UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,078	06/23/2003	Dirk Trossen	P3457US00	1210

30671   7590   01/07/2010
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EXAMINER
PATEL, NIRAV B

ART UNIT	PAPER NUMBER
2435	

NOTIFICATION DATE	DELIVERY MODE
01/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

	Application No.	Applicant(s)
Office Action Summary	10/602,078	TROSSEN, DIRK
	Examiner	Art Unit	
	NIRAV PATEL	2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12-28 and 30-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12-28 and 30-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Oct. 19, 2009 has been entered.

2. Claims 1, 3-10, 12-28, 30-36 are pending. Claims 1, 10, 19-21, 24, 27, 28, 30-36 are amended by applicant.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and MPEP § 608.01 (o). Correction of the following is required: the term "computer-readable storage medium" in claims 28, 30-33, 36 don't have antecedent basis in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 3-9, 10, 12-18, 22, 23, 25, 26, 28, 30-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1, recites "A method for controlling access to an event, the method comprising: receiving, at a first network entity from a second network entity, a request to access......; receiving, at the first network entity, user consent to access to the event-based information by the second network entity,......; transmitting the authorization.....; transmitting a subscription message........; determining at the event server whether to accept the subscription message based upon the authorization". Claim 1 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claim is neither positively tied to a particular machine that accomplishes the claimed method steps nor transforms underlying subject matter, and therefore does not qualify as a statutory process. The method for controlling access to an event, comprising receiving.....; receiving......; transmitting....; determining... is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent and could be done in person. No positive recitation of apparatus that accomplishes the claimed method can be found. And, for the above reasons, claim is non-statutory.

Claims 3-9, 22, 25, 34 depend on claim 1, therefore they are rejected with the same rationale applied against claim 1 above.

Claim 10, recites "An system for controlling access to event, the system comprising: a first network entity; a second network entity; ....an event server......". Such claimed system may be interpreted either as software, hardware or combination thereof necessarily includes hardware, is interpreted in its broadest reasonable sense as software/code/instruction. When software system is claimed without including a machine or a physical part of the device within the meaning of 35 USC § 101, it is considered non-statutory. Explicit presentation of a hardware component/element, which falls within the statutory category of 35 USC § 101, in combination with the claimed system would overcome the rejection.

Claims 12-18, 23, 26 depend on claim 10, therefore they are rejected with the same rationale applied against claim 10 above.

Claim 28 recites, "A computer-readable storage medium carrying one or more sequence of one or more instructions......". Claim 28 recites the limitation on a computer-readable storage medium storing instructions, which is not only limited to medium of a statutory type, is held nonstatutory. The claimed "computer/machine readable/storage medium" must be physical structure, not a signal. In addition, transitory forms of signal transmission through transmission medium such as radio broadcast, electrical signals through a wire, and light pulses through a fiber-optic cable, are embodiments that are not directed to statutory subject matter because those transmissions convey only information encoded in the manner are transitory (In re Nuijten 84 U.S.P.Q.2d 1495). On the other hand, claim limitation that specifically recites

the medium as non-transitory and statutory type while still according to the specification

would overcome the deficiency.

Claims 30-33, 36 depend on claim 28, therefore they are rejected with the same

rationale applied against claim 28 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 4-6, 8, 9, 10, 13-15, 17-19 and 22-28, 32, 33 are rejected under 35

U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in

view of Shurygailo et al. (US Pub. No. 2004/0093502) and in view of Langseth et al. (US

Patent No. 6,741,980).

As per claim 1, Geiger teaches:

receiving, at a first network entity from a second network entity, a request to access

event-based information available within a network and associated with an event [Fig. 1,

col. 3 lines 51-53, col. 4 lines 4-9]; receiving, at the first network entity, user consent to

access to the event-based information by the second network entity, and automatically

creating an authorization in response to receiving the consent, wherein the first network

entity is configured to control access to the event-based information [Fig. 1, col. 4 lines 14-21]; transmitting the authorization from the first network entity to the second network entity [Fig. 1, col. 4 lines 22-25]; transmitting a subscription message from the second network entity to an event server configured to maintain the event, wherein the subscription message includes the authorization and an event package describing the event-based information [Fig. 1, col. 4 lines 26-33]; and determining at the event server whether to accept the subscription message based upon the authorization [col. 4 lines 46-65].

Geiger teaches creating the authorization as above. Geiger doesn't expressively mention the second network entity being unknown to the first network entity.

Shurygailo teaches: the second network entity being unknown to the first network entity prior to the first network entity receiving the request, the consent being receivable and the authorization being creatable without use of a certificate from the second network entity and without verifying an identity of the second network entity [Fig. 2, paragraph 0027].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shurygailo with Geiger, since one would have been motivated to provide efficient, effective and/or flexible authorization in the network environment [Shurygailo, paragraph 0007].

Shurygailo teaches the expiration time/state for token to access the event. Geiger and Shurygailo do not expressively mention subscription to notification of the event-based

information by the second network entity that does not require the second network entity

to send out access requests prior to an expiration time of the subscription

However, Langseth teaches subscription to notification of the event-based information

by the second network entity that does not require the second network entity to send out

access requests prior to an expiration time of the subscription [Figs. 1, 2A, 3, col. 4 lines

2-15, col. 7 lines 33-67, col. 8 lines 1-29].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Langseth with Geiger and Shurygailo to provide

service until the expiration time of the subscription, since one would have been

motivated to provide intelligence network that actively delivers highly personalized and

timely information to individuals through use of a high-speed processing [Langseth, col.

1 lines 12-17, col. 3 lines 10-15].

As per claim 5, the rejection of claim 1 is incorporated and Geiger teaches:

determining whether to accept the subscription message comprises: verifying the

authorization; and accepting the subscription message if the authorization is verified to

thereby provide the second network entity with access to the event [Fig. 1, col. 4 lines

41-65, Fig. 2].

As per claim 10, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 14, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 19, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 22, the rejection of claim 1 is incorporated and Geiger teaches:

receiving consent to access event-based information related to the first network entity [col. 4 lines 8-33].

As per claim 23, the rejection of claim 10 is incorporated and Geiger teaches:

the first network entity is configured to control access to event-based information related to the first network entity [col. 4 lines 8-33].

As per claim 24, the rejection of claim 19 is incorporated and Geiger teaches:

automatically creating an authorization comprises creating an authorization in response to the user interface receiving consent to access event-based information related to the apparatus [col. 4 lines 8-33].

As per claim 25, the rejection of claim 1 is incorporated and Geiger teaches:

receiving consent from a user of the first network entity via a user interface thereof [Fig.

1, 4, col. 4 lines 12-17].

As per claim 26, the rejection of claim 10 is incorporated and it encompasses limitations

that are similar to limitations of claim 25. Thus, it is rejected with the same rationale

applied against claim 25 above.

As per claim 27, the rejection of claim 19 is incorporated and it encompasses limitations

that are similar to limitations of claim 24. Thus, it is rejected with the same rationale

applied against claim 24 above.

As per claim 28, it encompasses limitations that are similar to limitations of claim 19.

Thus, it is rejected with the same rationale applied against claim 19 above.

As per claim 32, the rejection of claim 28 is incorporated and it encompasses limitations

that are similar to limitations of claim 24. Thus, it is rejected with the same rationale

applied against claim 24 above.

As per claim 33, the rejection of claim 28 is incorporated and it encompasses limitations

that are similar to limitations of claim 25. Thus, it is rejected with the same rationale

applied against claim 25 above.

6. Claims 3, 12, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) in view of Langseth et al. (US Patent No. 6,741,980) and in view of Ganesh (US Patent No. 6,999,777).

As per claim 3, the rejection of claim 1 is incorporated and Geiger teaches transmitting the request to access the event-based information [col. 4 lines 7-15]. Geiger, Shurygailo and Langseth don't expressively mention transmitting a trigger from the second network entity to the first network entity.

Ganesh teaches:

receiving a trigger at the first network entity from the second network entity; and executing the trigger to thereby activate the request to access the event-based information [Fig. 2, 3, col. 4 lines 49-59, col. 5 lines 46-54].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ganesh with Geiger, Shurygailo and Langseth, since one would have been motivated to prevent unauthorized individual from receiving the location information of wireless communication devices [Ganesh, col. 2 lines 32-34].

As per claim 12, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 20, the rejection of claim 19 is incorporated and Geiger teaches:

the processor caused to based upon receipt of the request to access the processor

being triggerable to execute the software application and receive the consent to access

the event-based information [col. 4 lines 8-15].

Ganesh teaches: the processor being triggerable to execute the software application to

present a prompt to receive consent to access the event-based information before the

user interface receives the consent [Fig. 2, 5].

As per claim 30, the rejection of claim 28 is incorporated and it encompasses limitations

that are similar to limitations of claim 3. Thus, it is rejected with the same rationale

applied against claim 3 above.

7. Claims 4, 6, 8, 9, 13, 15, 17, 18, 21 and 31 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of

Shurygailo et al. (US Pub. No. 2004/0093502) in view of Langseth et al. (US Patent No.

6,741,980) and in view of McCann et al (US Pub. No, 2004/0064707).

As per claim 4, the rejection of claim 1 is incorporated and Geiger teaches receiving a

consent to access the event-based information associated with the event [col. 4 lines

14-18]. Geiger, Shurygailo do not expressively mention a predefined granularity,

frequency or time period.

McCann teaches receiving a consent to access the event-based information associated with the event with at least one parameter including at least one of a predefined granularity, frequency or time period, and wherein creating an authorization comprises creating an authorization including the at least one parameter [paragraph 0037, 0038, 0021 lines 8-16].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine McCann with Geiger and Shurygailo, since one would have been motivated to provide location-based service, where users can subscribe to a service to receive location-sensitive content [McCann, paragraph 0001 lines 7-9].

As per claim 6, the rejection of claim 5 is incorporated and McCann teaches:
verifying the authorization includes verifying that at least one of a predefined frequency and-or time period has not been exceeded [paragraph 0021 lines 8-16, paragraph 0037, 0038].

As per claim 8, the rejection of claim 5 is incorporated and McCann teaches:

accepting the subscription message comprises accepting the subscription message to thereby provide the second network entity with access to the event-based information with a predefined granularity [paragraph 0021, 0037].

As per claim 9, the rejection of claim 1 is incorporated and McCann teaches:

storing the authorization in a cache such that the event server can retrieve the authorization in response to receiving at least one subsequent subscription message, wherein at least one subsequent subscription message includes an event package describing the event-based information (i.e. without the authorization) [paragraph 0031].

As per claim 13, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 15, the rejection of claim 14 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

As per claim 17, the rejection of claim 14 is incorporated and it encompasses limitations that are similar to limitations of claim 8. Thus, it is rejected with the same rationale applied against claim 8 above.

As per claim 18, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 21, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 31, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

8. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) in view of Langseth et al. (US Patent No. 6,741,980) and in view of Pujare et al (US Pub. No. 2002/0083183).

As per claim 7, the rejection of claim 5 is incorporated and Geiger teaches verifying the authorization as shown in Fig. 2. Geiger and Shurygailo do not expressively mention verifying a shared secret.

Pujare teaches verifying the authorization includes verifying a shared secret [paragraph 0272, lines 16-18].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pujare with Geiger, Shurygailo and Langseth, since one would have been motivated to provide location-based service, where users can

subscribe to a service to receive location-sensitive content [McCann, paragraph 0001 lines 7-9].

As per claim 16, the rejection of claim 14 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

9.   Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) in view of Langseth et al. (US Patent No. 6,741,980) and in view of Kramer et al (US Patent No. 6,986040).

As per claim 34, the rejection of claim 1 is incorporated and Geiger and Shurygailo do not expressively mention message has a positive, non-zero expiration time.

Kramer teaches:

the subscription has a zero expiration time [col. 7 lines 46-49].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kramer with Geiger, Shurygailo and Langseth, since one would have been motivated to secure access to remote application/resource [Kramer, col. 1 lines 10-12].

<u>As per claim 35</u>, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 34. Thus, it is rejected with the same rationale applied against claim 34 above.

<u>As per claim 36</u>, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 34. Thus, it is rejected with the same rationale applied against claim 34 above.

Response to Amendment

10. This written action is responding to the Request for Continued Examination (RCE) dated 10/19/09. Claims 1, 10, 19, 28, 34-36 are amended which necessitated new ground of rejection. In view of applicant's argument, a new reference by Langseth et al. (US Patent No. 6,741,980) and Kramer et al (US Patent No. 6,986,040) are found and used in combination with various previously cited prior art. See new grounds of rejection above.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIRAV PATEL whose telephone number is (571)272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nirav Patel /
Examiner, Art Unit 2435